
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION (L) NO. 5082 OF 2025**

Maharashtra State Cooperative Bank Ltd. ...Applicant

Versus

LE Merits Exports Ltd. ...Respondent

**WITH
COMMERCIAL ARBITRATION PETITION NO. 145 OF 2025**

Mr. S.S. Panchpor, a/w Aashay Rabade, for the Applicant.

**Mr. Ashishchandra Rao, ia/w Ashna Contractor, Anuli Mandlik,
i/b Economic Laws Practice, for Respondent.**

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 21, 2025

PC :

1. Commercial Arbitration Application (L) No.5082 of 2025 has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under the Lease Deed dated January 17, 2022.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that if the matter is sent to arbitration leaving all

contentions open including maintainability, they would make all their submissions on merits as well as maintainability before the arbitral tribunal appointed hereby.

3. Commercial Arbitration Petition No. 145 of 2025 (“***Section 9 Petition***”) relates to the very same matter between the very same parties, seeking certain interlocutory protective reliefs. This Section 9 Petition shall be treated as an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application.

4. In these circumstances, both the captioned proceedings are hereby ***finally disposed of***, in terms of the following order:

A) Ms. Alpana Ghone, a learned advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

Office Address:

53, Ajaydeep House,
240 Perin Nariman Street,
Fort, Mumbai – 400 001

Email ID: alpana@alpanaghone.com

- B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;
- C) The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of two weeks from receipt of a copy of this Order;
- D) The parties shall appear before the Learned Sole Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

E) All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

5. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]